

From: [Gershoni, Michael](#)
To: john@durrantlawfirm.com
Cc: "[Zak Kurtz](#)"; [xNIKE v. Kiy](#)
Subject: RE: NIKE v. BY KIY, et al. - 1:23-cv-02431-VM (S.D.N.Y.)
Date: Thursday, June 29, 2023 1:18:57 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi John,

As an initial matter, we're not trying to make By Kiy "look bad," as you suggest in your letter. We just need to ensure that we timely receive the discovery we requested. To that end, if you represent that By Kiy will produce its complete revenue and cost information for the By Kiy Sneakers by Friday, July 7, 2023, and that By Kiy will answer Nike's Interrogatory Nos. 9 & 10 by the close of fact discovery, we can resolve these issues without Court intervention. We believe both of these are reasonable requests. Let us know if you agree with this approach.

With respect to Nike's email production, we plan to complete our production of emails by the end of next week. We expect that resolves your concerns, especially since By Kiy has produced only a single, irrelevant email to date.

Best,
Michael

From: John Durrant <john@durrantlawfirm.com>
Sent: Thursday, June 29, 2023 11:41 AM
To: Gershoni, Michael <Michael.Gershoni@arnoldporter.com>; Gershoni, Bridgette <Bridgette.Gershoni@arnoldporter.com>
Cc: 'Zak Kurtz' <zak@sneakerlawfirm.com>
Subject: FW: NIKE v. BY KIY, et al. - 1:23-cv-02431-VM (S.D.N.Y.)

External E-mail

Hi Michael and Bridgette –

Just want to check in on a few issues.

First, we wanted to ask again when Nike planned to start / finish its email production. I am not trying to be a pest; this is an important issue for discovery scheduling. I continue to believe that a negotiated modification to the schedule is the right step for both sides instead of a joint motion. Please let me know if you want to talk. We can do this your way if you want, but it probably won't be a good look for either of us and will not help us actually get things done.

Second, Zak is continuing to locate and review documents for production. We are specifically working on getting documents to you with revenue / expense information, among other things.

Third, I have a draft of the proposed amended counterclaim done that Zak is reviewing. I have some minor suggested changes to that joint motion.

Best,
John

John Durrant, Esq.
Founder and CEO

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From: John Durrant <john@durrantlawfirm.com>

Sent: Tuesday, June 27, 2023 6:44 PM

To: 'Gershoni, Michael' <Michael.Gershoni@arnoldporter.com>

Cc: 'Zak Kurtz' <zak@sneakerlawfirm.com>; 'xNIKE v. Kiy' <xNIKEv.Kiy@arnoldporter.com>

Subject: RE: NIKE v. BY KIY, et al. - 1:23-cv-02431-VM (S.D.N.Y.)

Hi Michael –

Please see the attached correspondence and let us know if you think a conversation will be productive or if we should focus on the Joint Letter. If you think a conversation could be productive, Zak and I will find time to talk.

Thank you,
John

John Durrant, Esq.
Founder and CEO

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